

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: RURAL IOWA INDEPENDENT TELEPHONE ASSOCIATION AND IOWA TELECOMMUNICATIONS ASSOCIATION; ALPINE COMMUNICATIONS, L.C., ET AL.; AND COON VALLEY COOPERATIVE TELEPHONE ASSOCIATION, INC., ET AL.	DOCKET NOS. SPU-04-3 SPU-04-5 SPU-04-6
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ORDER DENYING REQUEST FOR MODIFICATION

(Issued January 5, 2005)

On October 6, 2004, the Utilities Board (Board) issued its "Final Decision and Order" in these combined dockets. On December 9, 2004, Van Buren Telephone Company, Inc. (Van Buren), filed a "Request for Modification of Order" requesting a delay of its Board-ordered local number portability (LNP) deployment schedule. No objections to the petition were filed.

In support of its request, Van Buren states that the Board assigned Van Buren to Group One because of the existence of an independent cable television system and two wireless carriers that provide service in its service area. Van Buren states that the cable television system in question, Starwest Cable TV, Inc. (Starwest), does not intend to provide voice services. Van Buren included with its request an affidavit

signed by the owner of Starwest asserting that Starwest will not be providing voice service to its customers in the next 12 months. Van Buren asserts that it was unable to obtain written confirmation from Starwest until November 22, 2004. Finally, Van Buren requests that the Board move its assignment from Group One to Group Two based on this information.

The Board finds that Van Buren should remain in Group One. The Board takes note of the information provided by Van Buren regarding Starwest's assertion that it will not be providing voice services in the next year. However, the Board finds that this information is not sufficient, or timely enough, to alter the assignment of Van Buren into Group One.

In its October 6, 2004, order, the Board determined that the presence of several wireless carriers or the existence of an independent cable television system in a company's service area can be an important consideration in determining whether to delay compliance with the Federal LNP mandate. The Board determined that the combination of a cable system and multiple wireless carriers in a service area is an indication that local exchange competition, and therefore LNP usage, is likely in the area. Despite the affidavit provided by Starwest, the underlying criteria that the Board used to guide its determination remain unchanged and a maximum six-month suspension from the date of the October 6, 2004, order is appropriate for Van Buren.

IT IS THEREFORE ORDERED:

The "Request for Modification of Order" filed by Van Buren Telephone Company, Inc., on December 9, 2004, is denied.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 5th day of January, 2005.